

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS DORSEY,

Plaintiff,

v.

DONNY YOUNGBLOOD, et al.,

Defendants.

1:24-cv-00383-SKO (PC)

**ORDER DENYING PLAINTIFF'S
REQUEST FILED DECEMBER 3, 2024**

(Doc. 14)

Plaintiff Thomas Dorsey is a county jail inmate proceeding pro se and *in forma pauperis* in a civil rights action pursuant to 42 U.S.C. section § 1983.

I. INTRODUCTION

Plaintiff filed his original complaint on April 2, 2024. (Doc. 1.) On September 17, 2024, the Court issued its First Screening Order. (Doc. 11.) The Court found that Plaintiff's complaint violated Rules 18 and 20 of the Federal Rules of Civil Procedure and granted Plaintiff 21 days within which to file a first amended complaint, curing the deficiencies identified by the Court, or to file a notice of voluntary dismissal. (*Id.* at 4-16.) On October 10, 2024,

Plaintiff filed a first amended complaint. (Doc. 12.)

On December 3, 2024, Plaintiff filed a document titled "Request for An Addendum to First Amended Complaint." (Doc. 14.)

For the reasons discussed below, Plaintiff's request will be denied.

1 **II. DISCUSSION**

2 Plaintiff seeks to add facts for “clarity to claim(s) already raised” in his first amended
3 complaint. (Doc. 14.) As Plaintiff was previously advised in the Court’s First Screening Order,
4 “an amended complaint must be ‘complete in itself without reference to the prior or superseded
5 pleading.’ Local Rule 220.” (Doc. 11 at 15.) Plaintiff may not add facts to his first amended
6 complaint by way of a separate “addendum.” All claims must be presented in a single pleading.

7 Plaintiff will be given the opportunity to file a second amended complaint and to add facts
8 he believes are relevant to his claims. Plaintiff must be mindful of the Court’s First Screening
9 Order and its discussion and analysis to ensure any second amended complaint complies with the
10 relevant screening and pleading requirements, particularly Rules 18 and 20 of the Federal Rules
11 of Civil Procedure.

12 Plaintiff is reminded that “an amended complaint supersedes the original complaint. *Lacey*
13 *v. Maricopa Cty.*, 693 F.3d 896, 927 (9th Cir. 2012).” (See Doc. 11 at 15.) Thus, any second
14 amended complaint must be complete in and of itself without reference to any prior complaint or
15 pleading.

16 Plaintiff is also reminded that prisoner civil rights complaints must be screened pursuant
17 to 28 U.S.C. § 1915A(a). Plaintiff’s first amended complaint is currently pending screening.
18 Should Plaintiff elect to file a second amended complaint, the Court will disregard the first
19 amended complaint and will screen the second amended complaint in due course. In the event
20 Plaintiff elects not to file a second amended complaint, the previously filed first amended
21 complaint will be screened in due course. After the Court has determined that Plaintiff has
22 asserted cognizable claims, the Court move on to service of any operative complaint.

23 **III. CONCLUSION**

24 Based on the foregoing, the Court **ORDERS** as follows:

25 1. Plaintiff’s request to file an addendum to his first amended complaint (Doc. 14) is
26 **DENIED**;
27 2. If Plaintiff elects to file a second amended complaint, he **SHALL** do so within 30
28 days of the date of service of this order. Any second amended complaint must be

1 complete in and of itself; and

2 3. If Plaintiff chooses not to file a second amended complaint, the Court will screen
3 Plaintiff's first amended complaint in due course.

4 IT IS SO ORDERED.

5 Dated: December 5, 2024

6 /s/ Sheila K. Oberto

7 UNITED STATES MAGISTRATE JUDGE

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